

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
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ESTATE OF CHRISTOPHER J. DAVIS  
and DORETHA LOCK, as the  
Special Administrator of the  
Estate of Christopher J. Davis,

Plaintiffs,

-vs-

Case No. 18-CV-01846

JUAN ORTIZ, et al.,

Defendants.  
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Examination of AARON HACKETT, taken at  
the instance of the Plaintiffs, under and pursuant  
to the Federal Rules of Civil Procedure, before Dawn  
M. Lahti, a Certified Realtime Reporter, Registered  
Professional Reporter and Notary Public in and for  
the State of Wisconsin, at Crivello Carlson,  
S.C., 710 North Plankinton Avenue, Milwaukee, Wisconsin on  
May 2, 2019, commencing at 9:03 a.m. and concluding  
at 10:38 a.m.

## A P P E A R A N C E S

CADE LAW GROUP, by  
MR. NATHANIEL CADE, JR.  
P.O. Box 170887  
Milwaukee, Wisconsin 53217  
appeared on behalf of the Plaintiffs.

CRIVELLO CARLSON, S.C., by  
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710 North Plankinton Avenue, Suite 500  
Milwaukee, Wisconsin 53203  
appeared on behalf of Juan Ortiz, Walworth County,  
Kurt Picknell, Matthew Weber.

THOMPSON LEGAL LLC, by  
MS. DANIELLE H. THOMPSON  
234 South Main Street  
Jefferson, Wisconsin 53549  
appeared on behalf of the Town of East Troy,  
James Surges, Craig Knox, Paul Schmidt.

KASDORF, LEWIS & SWIETLIK, S.C., by  
MR. ROBERT J. LAUER  
11270 West Park Place, Suite 500  
Milwaukee, Wisconsin 53224  
appeared on behalf of the Village of East Troy,  
Jeremy Swendrowski, Jeff Price, Aaron Hackett.

\* \* \* \* \*

## A L S O P R E S E N T

Ms. Doretha Lock.

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Exhibit 37	Photograph of Aaron Hackett	8
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Exhibit 39	Hackett Interview with DCI	64

Disposition of Original Exhibits:

Attached to Original Transcript.

## 1 TRANSCRIPT OF PROCEEDINGS

2 AARON HACKETT, called as a witness  
3 herein, having been first duly sworn on oath,  
4 was examined and testified as follows:

## 5 EXAMINATION

6 BY MR. CADE:

7 Q Good morning, Officer Hackett. Do you mind if  
8 I call you Officer Hackett?

9 A That's fine, sir.

10 Q Again, don't call me, sir. I work for a  
11 living.

12 officer, have you ever been  
13 deposed before?

14 A I have not.

15 Q For the record, could you please state and  
16 spell your name.

17 A My first name is Aaron, A-A-R-O-N. Last name  
18 is Hackett, H-A-C-K-E-T-T.

19 Q Do you get a lot of the jokes, the AA-Ron?

20 A I work in the high school, so the kids like to  
21 say that a lot to me. You bet.

22 Q So Officer Hackett, I am sure that Mr. Lauer  
23 has been very thorough with his meeting with  
24 you in terms of what's being said or what  
25 occurs at a deposition. There's really only a

1           few rules.

2                           The first rule is only one  
3           person can talk at a time, and that's done  
4           because that assists our court reporter, Dawn,  
5           here. She's very good. I've had her as a  
6           reporter for years and years and years, but  
7           she'll tell you at some point I can clock in at  
8           over 300 words a minute, and that sort of taxes  
9           the reporters if that goes long enough. And  
10          then you couple that with someone if they  
11          interject and jump in, and the transcript could  
12          get jumbled. It may have me answering a  
13          question and you asking it.

14    A    Okay.

15    Q    So it's important for you to allow me to finish  
16          asking the question, and I'll allow you to  
17          finish answering it.

18                       Also coupled along those same  
19          lines is don't assume or guess what my question  
20          is or where I'm going. I often hear witnesses  
21          say, well, I'm not quite sure where you're  
22          going. It doesn't matter. You answer the  
23          question.

24                       The reason that's important is I  
25          may start asking a question and I know, for

1 example, in this case Attorney Lauer is going  
2 to object. And so what I'll do is ask a  
3 prefatory question. So I may stop  
4 mid-sentence, change my question because  
5 there's something I think you need to answer  
6 first, and then I'll go back maybe to my  
7 original question.

8 So wait for me to finish asking  
9 the question, and I'll wait for you to finish  
10 answering, fair?

11 A Yes, sir.

12 Q Outstanding. The other thing that's important  
13 is nodding of the head, uh-huh and um-hum and  
14 things like that. If you do that, I'll say,  
15 "Is that a yes?" I'm not doing it to be rude.  
16 I'm doing it because all Dawn can do here is  
17 say witness shakes head. If you say uh-huh,  
18 she can't say you meant to say yes, and we  
19 can't assume that. So I'll ask that question  
20 or if you're shaking your head.

21 Some people have a nervous tick  
22 where they just nod their head as they're  
23 going. I have a sister-in-law like she's  
24 listening, but she's really not, but she's nice  
25 and nods her head. So if you do any of those

1 things, I'll say "Is that a yes?" just to make  
2 sure the record is clear.

3 If I ask you a question today  
4 that is unclear or you're not quite sure or  
5 perhaps I'm asking it totally wrong, just let  
6 me know, and I'll rephrase it. And if I can't  
7 figure out a way amongst all the lawyers here,  
8 we'll figure out a way to ask you the question  
9 appropriately. Fair enough?

10 A I understand.

11 Q Finally for today's deposition, I will assume  
12 that if you answered a question, meaning I  
13 asked a question and you gave a verbal response  
14 to it, that you understood the question being  
15 asked. Fair?

16 A That's fair.

17 Q I'm going to dispense with a lot of the stuff  
18 that normally happens in depositions where they  
19 go through your background and all that because  
20 I've already got your employment file. I've  
21 already had an opportunity to review all that  
22 stuff, so most of that stuff is moot for right  
23 now.

24 I just want to focus the reason  
25 we're here and this lawsuit dealing with the

1 shooting that occurred on February 24th of  
2 2016. Fair enough?

3 A I understand.

4 Q I'm going to show you what's been marked as  
5 Exhibit No. 37.

6 (Exhibit 37 was marked for  
7 identification.)

8 BY MR. CADE:

9 Q 37, sir, you'll see at the bottom it's a single  
10 color page photograph that appears to be you,  
11 correct?

12 A That is correct.

13 Q And this photograph -- if you look at the  
14 bottom, there is a number down there that  
15 starts T, for Tom, 001588. Do you see that?

16 A I do.

17 Q That is what we call a Bates number, and really  
18 all it is is a control mechanism. So if you  
19 get a bunch of lawyers in the room because we  
20 like to play on paper rather than other things,  
21 if I say 1588, everybody knows what page I'm on  
22 and we don't have to say, well, that's a  
23 different photograph of Hackett; no, it's this  
24 photograph. We know that we're all dealing  
25 with the exact same page, okay?



1 A Understood.

2 Q So on the day in question at the shooting -- at  
3 the time of the shooting, I should say,  
4 approximately 5:20, 5:30 --

5 A That sounds right.

6 Q -- this was what you were wearing at that time,  
7 sir?

8 A It is.

9 Q So now what I'm going to do is --

10 (Exhibit 38 was marked for  
11 identification.)

12 BY MR. CADE:

13 Q I'm going to show you what's been marked as  
14 Exhibit 38. 38 is just a Google map of Roma's  
15 restaurant, an aerial photograph. I'll come  
16 back to this in a moment.

17 what I'd like to start with is  
18 walk me through what time your shift started on  
19 the 24th.

20 A I was in the school, so it would be 07:30.

21 Q So 7:30 in the morning?

22 A Correct.

23 Q And is there a particular school that you're  
24 at, or do you rotate amongst the schools?

25 A It's all five buildings in the district.

1 Q Are they all on the same campus, or are they  
2 all in different locations?

3 A Two of them -- I guess there's a location with  
4 the middle school and the high school, and then  
5 I'd say maybe a 10th or more away of a mile is  
6 the elementary school and the primary.

7 Actually you know what? That's  
8 down. 2016 -- they just built that school, so  
9 my brain is -- Doubek was actually this way, so  
10 the primary school was a little further away  
11 than -- East Troy is not that big, but I would  
12 not consider them all in the same campus, no.

13 Q And you said Doubek?

14 A Doubek Elementary.

15 Q Can you spell Doubek?

16 A D-O-U-B-E-K.

17 Q One of the things I forgot to mention, and I  
18 was hoping we wouldn't have spellings because  
19 you're one of the later depositions, is to make  
20 things easier on Dawn --

21 A I understand.

22 Q -- of the transcript, she can't guess what --  
23 spellings and things like that. So at the end  
24 if I don't spell it, she'll say can you spell  
25 this, can you spell that, and then she's got to

1 search through her files. I save her a lot of  
2 time by doing that in the beginning so she's  
3 not confused. And occasionally I'll get a  
4 phone call from a reporter saying, hey, do you  
5 know how to spell something, I forgot to ask at  
6 the deposition.

7 So there was a Doubek Elementary  
8 school, the middle school, high school, and you  
9 had a primary school?

10 A Prairie View.

11 Q Okay.

12 MR. LAUER: I just wanted to say make  
13 sure he is finished with his question and then  
14 you answer.

15 THE WITNESS: I got you.

16 MR. LAUER: Thank you.

17 BY MR. CADE:

18 Q So when you say you're at the schools, is there  
19 a specific rotation; you're at the elementary  
20 school this day, you're at the high school this  
21 day, or you bounce around from school to  
22 school?

23 A I primarily spend my time at the high school.  
24 That's just because -- where a lot of the  
25 issues arise quickly, but I rotate through all

1 the schools. I rotate through all the schools.  
2 I try to get there at least once a day, and  
3 then I'll go over there whenever contacted for  
4 assistance.

5 Q Sure. Okay. So you start at 7:30 at the  
6 schools and at some point you -- what would  
7 your normal shift be, 7:30 to 2:30?

8 A 15:30.

9 Q Okay. So that's 3:30. But you were -- I know  
10 at some point you were at the police  
11 department, the village police department to  
12 deal with an informant and a drug bust,  
13 correct?

14 A That was not my primary reason for being at the  
15 police department.

16 Q Okay. What was your primary reason for being  
17 at the police department?

18 A At that point I was finishing my shift.

19 Q Okay. So you had finished at the schools, and  
20 you come over to the police department I guess  
21 to change out of your uniform?

22 A Correct.

23 Q And then what happened? Let's start there.  
24 You get to the police department. Walk me  
25 through that aspect of it.

1 A Sure. So I see Officer Price, and he is in the  
2 booking room. I met him in the hallway, and he  
3 informed me what he had had at the Shell gas  
4 station. I believe it started with a domestic  
5 and subsequently resulted in a drug  
6 investigation as well.

7 Q Did he describe or say anything to you about  
8 the confidential informant and the information  
9 he had gleaned from that informant?

10 A He had mentioned that at some point in his  
11 investigation he had learned that the person  
12 that was arrested was willing to call known  
13 drug suppliers and have them come to the  
14 village of East Troy.

15 Q And did you participate in the first bust that  
16 was supposed to happen at the Shell but  
17 subsequently was the Burger King?

18 A I was present, yes.

19 Q When you say "present," does that mean that you  
20 didn't participate?

21 A Well --

22 MR. LAUER: I'll just object to the  
23 form of the question. It's vague as to  
24 participation or "participate;" but subject to  
25 that, go ahead and answer his question.

1 THE WITNESS: It's not as simple as  
2 that I guess in my brain.

3 BY MR. CADE:

4 Q Okay. Explain for me.

5 A So when I was finishing my shift, Officer Price  
6 was there with Chief Swendrowski -- excuse me,  
7 Deputy Chief Swendrowski at the time and Deputy  
8 Ortiz, and they were talking about kind of what  
9 their plan was going to be.

10 I remember at one point I was  
11 with Officer Price, and we had talked about  
12 moving the CI's car from the parking lot in the  
13 Village of East Troy Police Department up to  
14 the Shell gas station.

15 I assisted Price in that, and  
16 then I came back to the police department, and  
17 I recall doing some paperwork and kind of  
18 finishing some things up that I had that day,  
19 and then Officer Price had contacted me via  
20 phone and said, "Are you still there?" I said  
21 "Yes, I am." He said "would you mind putting  
22 your civilians on?" I said "I'm already  
23 wearing my civilians. would you mind going up  
24 to the Shell gas station with your civilian car  
25 and pumping gas and letting us know when a

1 vehicle that may match the description enters  
2 the parking lot?"

3 Q Did you get free gas?

4 A Free gas?

5 Q Yeah. He told you to go over there and pump  
6 gas. Was he going to pay for the gas to be  
7 pumped in the car, or that was you filling up?

8 A I think that was probably me filling up my  
9 personal car.

10 Q So if I understand correctly, you assisted  
11 Price initially to take the informant's vehicle  
12 to the Shell station and leave it there. Price  
13 then brought you back to the station I'm  
14 assuming and then left, or did you walk back?

15 A I think I drove him back.

16 Q Okay. So he drove the informant's car, and you  
17 drove a police car or --

18 A I don't know what I drove, but I remember in my  
19 head I want to say his car was a stick shift,  
20 so I wasn't too happy about that.

21 Q The informant's car?

22 A I believe so.

23 Q And so then one way or the other the car is  
24 delivered to the Shell, the informant's car,  
25 and then the two of you go back to the police

1 department, and you're finishing up paperwork  
2 and changing?

3 A I believe so.

4 Q And then Price left?

5 A He did.

6 Q And then between you guys going back to the  
7 station and Price leaving and then you  
8 receiving this phone call from Price, how long  
9 of a time frame was that?

10 A I don't remember.

11 Q So then at some point Price calls you on the  
12 phone and says --

13 A Are you still at work?

14 Q Are you still there, I need your -- I need you  
15 to come to the Shell station?

16 A Correct.

17 Q Did he explain to you what the plan was or what  
18 the next steps were?

19 A I mean I had an understanding that the plan was  
20 to conduct a traffic stop.

21 Q And what did that mean, conduct a traffic stop?

22 A It means locate the vehicle, turn your  
23 emergency lights on and conduct a traffic stop.

24 Q So wait for the person to get in the general  
25 area and then be on the physical streets to



1           conduct a traffic stop, or was it doing some  
2           sort of traffic stop in the parking lot of the  
3           Shell gas station?

4       A     I don't know if we specifically talked about  
5           that. I think it would be kind of a fluid  
6           thing.

7       Q     Prior to February 24th, had you had an  
8           opportunity to -- let me back up.

9                       It's fair to say that when you  
10           were at the Shell, you were essentially acting  
11           undercover because you were not in uniform,  
12           correct?

13                      MR. LAUER: Object to the form. Lack  
14           of foundation.

15                      THE WITNESS: I was not displaying  
16           myself as a police officer.

17       BY MR. CADE:

18       Q     Sure. But do you understand the concept of  
19           undercover versus being uniformed, the  
20           difference?

21       A     I guess I was in civilian clothes.

22       Q     Sure. Other than as we see on Exhibit 37, you  
23           had a lanyard with your badge, and I'm assuming  
24           that was tucked inside your North Face jacket?

25       A     While I was filling up with gasoline, yes.

1 Q You weren't at the gas station with that out  
2 displaying, hey, I'm a police officer?

3 A No, I was not.

4 Q And so to the average person, if they just saw  
5 you pumping gas short of them knowing I know  
6 that's Aaron and I know he's a police officer,  
7 no one would have knowledge that you were  
8 acting as a police officer at that point in  
9 time, correct?

10 A That is correct.

11 Q And I'm assuming that at this point in time  
12 while you're at the gas station, you were still  
13 on the proverbial clock meaning either your  
14 shift had ended or you were doing overtime or  
15 however that's calculated for the department,  
16 fair?

17 A Correct.

18 Q So when I use the term "undercover," would that  
19 be a fair representation that even though you  
20 weren't in uniform, you were purposely  
21 concealing your identity as a police officer  
22 while you were at the Shell gas station, that  
23 was the whole point of you being there?

24 MR. LAUER: Object to the form of the  
25 question.

1                   You may answer.

2                   THE WITNESS: I guess given that  
3                   definition, yes. I just kind of -- sure.

4 BY MR. CADE:

5 Q I mean you weren't in a police vehicle. You  
6                   were in your personal vehicle, correct?

7 A Correct.

8 Q I'm assuming your personal vehicle doesn't have  
9                   lights and everything to throw on even internal  
10                  lights, correct?

11 A That's correct.

12 Q So you just know from Price speaking with you  
13                  the plan was to conduct some sort of traffic  
14                  stop on a known drug supplier that the  
15                  informant was getting to come down into the  
16                  village to try to attempt to sell drugs, fair?

17 A Correct.

18 Q The phone call on the phone with Price -- let  
19                  me back up.

20                  Price told you the plan over the  
21                  phone, or were you meeting with him in person  
22                  having discussions about what the plan was?

23 A Over the phone.

24 Q Were you privy as to whether other officers,  
25                  law enforcement personnel were in the area or

1 part of this plan?

2 A I did know that Deputy Ortiz and Deputy Chief  
3 Swendrowski were nearby.

4 Q And how were you given that information?

5 A Because I saw them all getting together and  
6 meeting at the police department.

7 Q So when you say "getting together," was that  
8 before you took the informant's vehicle to the  
9 shell or after you took the informant's vehicle  
10 to the shell?

11 A I believe Deputy Ortiz and Deputy Chief  
12 Swendrowski had already left the police  
13 department.

14 Q I guess I'm lost in time because I asked that  
15 question, was it two time periods, and you said  
16 they had already left.

17 A Okay. Sorry.

18 Q That's okay. We know that you start your day  
19 in the school somewhere. We know that you come  
20 back because you're finishing up, and that's  
21 when Price says, hey, I need your help to take  
22 this car over to the shell, correct?

23 A No. Deputy Chief Swendrowski, Officer Price  
24 and Deputy Ortiz were at the police department  
25 discussing what was going to happen.

1 Q Okay.

2 A I was not needed, so I started policing up my  
3 own tasks that I had throughout the day. I  
4 have a memory after they -- after Deputy Ortiz  
5 and Deputy Chief Swendrowski leave, I'm  
6 assuming to take up positions nearby where we  
7 would assume that the traffic stop would take  
8 place. I'm standing in the hallway alone with  
9 Price, and that's when the idea is do you think  
10 we should move the car.

11 Q To the shell?

12 A I said that's probably a good idea because if  
13 these two know each other, he's going to feel  
14 familiar with seeing that car at the parking  
15 lot and not get spooked.

16 So I assisted him with doing  
17 that, then came back to the police department  
18 and continued getting things done.

19 Q Okay.

20 A Then the phone call comes. "Hackett, I need  
21 you again. Can you put your -- grab your  
22 radio, get in your car, go fill it up with gas  
23 and just tell me the cars that come in?" I  
24 said, "Yes, I can do that."

25 Q So when Swendrowski, Price and Ortiz were

1 meeting and having a conversation, you were not  
2 included in that meeting. You may have  
3 overheard some things, but you weren't part of  
4 that planning group?

5 A No.

6 Q No, I'm right or no --

7 MR. LAUER: You agree with his  
8 statement or you disagree?

9 THE WITNESS: I agree with your  
10 statement.

11 BY MR. CADE:

12 Q English language is very powerful, so that's  
13 why --

14 A Very good. I understand.

15 Q I understood what you said, but we got to make  
16 sure the record is clear.

17 So subsequently you have a radio  
18 while you're pumping gas. Do you have your  
19 radio out, or is your window down and it's on  
20 the seat?

21 A I think I had it in the car because it's kind  
22 of hard to carry in a pocket because I wasn't  
23 wearing my belt.

24 Q Your police belt?

25 A Correct.

1 Q And I'm assuming that while you're pumping gas  
2 if you're not wearing your belt, that also  
3 means that you don't have your department  
4 issued sidearm on you?

5 A Correct.

6 Q Do you have an undercover or an off-duty  
7 sidearm?

8 A I do.

9 Q And was that in the car, or was that on your  
10 person?

11 A That was on my belt.

12 Q On your physical belt on you?

13 A On my pants, yes.

14 Q But you had your jacket on, so that's covering  
15 that up?

16 A Correct.

17 Q So other than having your off-duty weapon on  
18 you, did you have anything else on you? We  
19 know you don't have your radio. You've got  
20 your shield hidden inside your jacket.

21 Is there anything else that's on  
22 your belt?

23 A No.

24 Q So how were you going to communicate to Price  
25 or potentially the others what you were

1 observing in the shell gas station if your  
2 radio was in the vehicle?

3 A Open the door and sit down and talk on my  
4 radio.

5 Q So you pretend to pump a -- I'm assuming at  
6 some point you've already filled up with gas.  
7 You're not there that long. Once gas is put  
8 in, gas is put in, fair?

9 A Correct.

10 Q So you would open up your door, kind of sit on  
11 the seat and kind of radio what you would  
12 see -- what you would observe?

13 A Correct.

14 Q And then were you being relayed instructions or  
15 information as to what to do next?

16 A No. I was mainly just supplying information.

17 Q At some point we know that there is a vehicle  
18 that Price pulls over that he believes is this  
19 first drug dealer we now know as Marcus.  
20 That's the name we have.

21 A Okay.

22 Q And it turns out that it's roughly near the  
23 entrance getting off of 43 or getting on 43.  
24 It's not clear but at that point in time.

25 Were you involved in that first



1 takedown?

2 MR. LAUER: I'll just object. If I  
3 understood your question, you're saying that  
4 Marcus was the first car that was pulled over  
5 by Price?

6 MR. CADE: No. Marcus was the  
7 individual who was arrested in the Burger King  
8 parking lot.

9 MR. LAUER: Okay.

10 MR. CADE: There was a vehicle  
11 previous to that that was either on the  
12 interstate or just getting off the interstate,  
13 and that was the individual who Ortiz finished  
14 up writing a citation for.

15 BY MR. CADE:

16 Q I just want to know if you were involved in  
17 that very first individual who just by  
18 happenstance was dumb enough to drive in the  
19 village with a vehicle that smelled like  
20 marijuana.

21 A I was not involved in that.

22 Q So let's skip forward a moment. I know that  
23 Price pulls that individual over and then  
24 leaves the scene because both Swendrowski and  
25 Ortiz are dealing with that individual.

1 Subsequently this dealer Marcus is arrested at  
2 Burger King. What was your involvement in that  
3 arrest?

4 A I eventually backed up Officer Price because he  
5 was all alone, and Ortiz and Swendrowski were  
6 still on the other car.

7 Q And when you say "backed up," did you observe  
8 this dealer Marcus come in and you radio to  
9 Price, or did Price observe this individual  
10 Marcus, and you happened to see his lights get  
11 activated and decide, okay, I'm going to walk  
12 over, display my badge and back him up?

13 A I believe the car was first identified when it  
14 was in the drive-through of the Burger King.  
15 Then it crossed over Main Street into the Shell  
16 gas station and parked. One of the individuals  
17 got out, bought something to drink, came back  
18 to his car and then put the blinker on to turn  
19 right but instead went straight again onto Main  
20 Street back into the parking lot of the Burger  
21 King, and that's when I observed Officer Price  
22 put on his lights and conduct a traffic stop in  
23 the Burger King.

24 Q Did you walk or get into your vehicle or drive  
25 over to back him up?

1     A     I got into my vehicle, drove around the back  
2           side of the shell, and there's a driveway that  
3           shares two properties between the shell,  
4           McDonald's and a bank.

5                     From that vantage point I could  
6           see Officer Price conducting the vehicle  
7           contact, and I could see that there were two  
8           individuals.

9                     I drove across Main Street into  
10          a parking lot that's like a car wash, and from  
11          there I sat for a little bit, realized that the  
12          other two uniformed officers were not going to  
13          be able to make it. Just with all of the  
14          details involved, I got out of my car,  
15          displayed my badge and provided backup to  
16          Officer Price.

17     Q     By "backup," you display your badge, you  
18           display your -- pull up your jacket, maybe  
19           display your weapon or have it slightly  
20           unholstered and stand there in case anything  
21           happens while Price gives verbal commands and  
22           the individuals get out of the car, that kind  
23           of stuff?

24                     MR. LAUER: Object to the form. Lack  
25           of foundation.

1                   Go ahead. You may answer.

2                   THE WITNESS: I don't know if I  
3                   brandished or unholstered my weapon as I walked  
4                   up, but I did produce my badge in an effort to  
5                   give Officer Price an extra set of eyes and  
6                   hands.

7           BY MR. CADE:

8           Q     While this was going on between you getting in  
9                   your car seeing Price activate his lights,  
10                  initiate the stop and then you cross over,  
11                  you're at the car wash, et cetera, were you in  
12                  radio communication with either Price,  
13                  Swendrowski or Ortiz?

14          A     I don't recall from Swendrowski or Ortiz, but  
15                  there was communication between me and Price  
16                  where he had asked me to -- Officer Price had  
17                  asked me to come over there and help him.

18          Q     So it wasn't just you on your own initiative.  
19                  You had received a verbal command or request  
20                  for assistance from Price to come aid him?

21          A     Correct.

22          Q     So two individuals in the car. There's a  
23                  driver. The passenger was this Marcus  
24                  individual. At some point who shows up next,  
25                  Ortiz, Swendrowski?

1 A I would say Deputy Chief Swendrowski.

2 Q And were you -- once Swendrowski shows up, did  
3 you remain out providing backup to Price, or  
4 did you go get back into your personal vehicle?

5 A No. I stayed there on foot for a little while.

6 Q What happened next?

7 A Officer Price requested an additional unit from  
8 county, so I believe it was -- Deputy Weber  
9 showed up because we needed a place to put  
10 these two individuals temporarily because  
11 Officer Price had the CI in the back of his  
12 car, so we couldn't exactly put these two guys  
13 back there.

14 So we put a guy -- one of them  
15 in the back of Deputy Chief Swendrowski's and  
16 one in the back of Deputy Weber's, and I  
17 remember Deputy Ortiz eventually coming back  
18 into the area.

19 Q Okay. So one individual is put in Weber's car;  
20 one individual is put in Swendrowski's car?

21 A I believe so.

22 Q And then what happened?

23 A And then I recall Officer Price talking to  
24 deputy chief, and I was right there and said  
25 that the CI had a second individual coming to

1 East Troy that had cocaine.

2 Q Okay. What information was shared with you?

3 A At that point I just knew that -- I believe I  
4 knew maybe it might be up at Roma's, and then  
5 it was cocaine.

6 Q And you were familiar with Roma's?

7 A Yes.

8 Q Have you eaten there?

9 A I have.

10 Q Any good?

11 A The pizza's not bad.

12 Q You're the only one who's really -- all the  
13 other officers don't eat there, so I'm a little  
14 concerned for the health of the business.

15 A Well, sometimes the issue -- yeah. No, it's  
16 doing fine.

17 Q So you get information. Does Price convey this  
18 information to you directly, or is he conveying  
19 it to you in a group of people about what's  
20 occurring at Roma's?

21 A It wasn't directly to me. We were all kind of  
22 in a group behind the first traffic stop's car.

23 Q And when you say we were "in a group," who was  
24 in this group?

25 A Weber was right -- Deputy Weber was right

1           there, Deputy Chief Swendrowski, myself,  
2           Officer Price. I don't exactly know when Ortiz  
3           showed up, but he joined the area.

4   Q       And while it's you, Price, Swendrowski and  
5           Weber, was the decision made to go to Roma's to  
6           do a takedown or arrest there?

7   A       Eventually, yes.

8   Q       What do you mean "eventually"?

9   A       Well, we did have two individuals that we just  
10          arrested.

11   Q       Um-hum.

12   A       We do have two squad cars with -- so we do have  
13          to think about processing them. Ortiz is  
14          dropping that person off. I'm obviously not  
15          wearing body armor, so I'm not going to be  
16          counted as one who can assist, and then I  
17          recall hearing Officer Knox from the Town of  
18          East Troy radio in that he was in the area and  
19          on duty.

20                       Officer Price called him on the  
21          radio and said would you mind coming over to  
22          the Burger King and meeting up with us. He  
23          said you bet, I'm on the way.

24                       So at that point -- at that  
25          point everybody felt comfortable manpower-wise,

1 and they moved forward with it.

2 Q when you say they "felt comfortable  
3 manpower-wise," it would be Knox, Price and  
4 Ortiz?

5 A Correct.

6 Q So three vehicles was enough from a manpower  
7 standpoint?

8 A Correct.

9 Q while you were meeting and they were discussing  
10 this information from the confidential  
11 informant about this other dealer at Roma's,  
12 was it ever -- was information ever provided in  
13 terms of how many individuals were going to be  
14 at Roma's? Was it one, two or four, five?

15 MR. LAUER: At the Burger King you're  
16 talking about?

17 BY MR. CADE:

18 Q while you were meeting at the Burger King,  
19 correct.

20 MR. LAUER: Go ahead.

21 THE WITNESS: No.

22 BY MR. CADE:

23 Q Was there any discussion at the Burger King as  
24 to what type of vehicle you specifically were  
25 looking for?



1 A I did not hear that information.

2 Q Well, help me with this, Officer. Obviously  
3 you guys are all meeting, and at some point  
4 during the meeting -- it's February, so it's  
5 cold out, correct?

6 A Yeah. I had a coat on.

7 Q The entire time the group was meeting at the  
8 Burger King, were you out of your vehicle, or  
9 at some point did you go get back in your  
10 vehicle because you're like, well, I'm not  
11 wearing armor, so I'm just going to go sit in  
12 my car?

13 A Right. After officer -- after Officer Knox  
14 radioed in that he was coming, I said to Price,  
15 I'm probably going to go home, and I kind of  
16 checked myself out of the conversation, and I  
17 did go sit in my personal car, yes.

18 Q And when you went to go sit in your personal  
19 car, is there a reason why you actually did not  
20 go home if you had already conveyed your intent  
21 to do so?

22 A My thought was I would stay on the outskirts  
23 and at least put eyes on what was going on and  
24 just make sure they had enough hands.

25 Q Bodies essentially?

1 A Correct.

2 Q At what point does Ortiz show up?

3 A I don't know if he showed up before I went to  
4 my car or after.

5 Q Before you went to your car, did you have any  
6 knowledge, or was it shared with you the make  
7 and model of the vehicle that you were looking  
8 for at Roma's?

9 A I don't believe so before I went to my car.

10 Q And while you were out of your car at the  
11 Burger King having these conversations -- let  
12 me back up.

13 while you were out of your car,  
14 did Knox show up so that he physically arrived  
15 and you were out of your vehicle, or were you  
16 back in your vehicle at the point in time Knox  
17 showed up?

18 A I believe his vehicle was pulling up as I was  
19 walking back to my car.

20 Q And prior to you walking back to your car, were  
21 there any conversations between Price,  
22 Swendrowski, Weber, because those were the  
23 three that were there, correct?

24 A Correct.

25 Q And -- I'm just -- all I'm trying to do is get

1 an order of who is there, who's on first.

2 So we know it's Price. We know  
3 it's Swendrowski. We know it's Weber, correct?

4 A Correct.

5 Q And you?

6 A Correct.

7 Q And then at some point you make the decision  
8 I'm going to go sit in my car?

9 A Correct.

10 Q And as you're making that decision and starting  
11 to walk to your car or get in it, that's when  
12 Knox shows up?

13 A Correct.

14 Q Was Ortiz there, or did he come after Knox?

15 A I don't remember.

16 Q When you go back to your car, you, I'm  
17 assuming, can see the group of people that are  
18 meeting and having discussions at the Burger  
19 King, correct?

20 A Correct.

21 Q Did you witness Knox participate in those  
22 discussions? Obviously you couldn't hear, but  
23 did you witness him as part of that group?

24 A I don't recall seeing him get out of his car.  
25 That's about the best I can answer that.

1 Q Sure. Did you happen to notice how Knox was  
2 dressed physically?

3 A Not at that time.

4 Q And so you don't know where Ortiz whether he  
5 was there or not by the time you went back to  
6 your car, fair?

7 A I don't know one way or the other.

8 Q Prior to you going back to the car, was there a  
9 discussion at least amongst the individuals  
10 that were there, Price, Weber, Swendrowski, as  
11 to what they were going to do at Roma's, what  
12 the plan was?

13 A I don't remember specifics, but it was on the  
14 line of what had happened at Burger King,  
15 locate the vehicle, conduct a traffic stop.

16 Q So there was discussions. You just don't have  
17 specifics?

18 A Correct.

19 Q That's fine. Were you -- I know you said you  
20 wanted to -- even though you told Price you  
21 were going to go home, but you decided to hang  
22 around and give him eyes on and hands and  
23 everything.

24 Did you ever or did your name  
25 ever come up amongst that group as to we'll

1 have Hackett go into the parking lot or we'll  
2 have Hackett nearby or anything like that?  
3 Just the same thing with the Burger King, you  
4 were pumping gas. Obviously you're not pumping  
5 gas at Roma's.

6 Were there any discussions where  
7 your name came up that you would be undercover  
8 or participating in some manner in that traffic  
9 stop at Roma's?

10 A No. I was a nonparticipant participant.

11 Q So all you knew is there was going to be a  
12 traffic stop at Roma's. There were some  
13 individuals. Cocaine was involved. And you  
14 were heading back to your car?

15 A Correct.

16 Q How long did this meeting last that you were a  
17 participant of where it's Weber, Price,  
18 Swendrowski?

19 MR. LAUER: Object to the form.  
20 where they're talking about the plan or they're  
21 together?

22 MR. CADE: well, they're together,  
23 and we'll get specifics of the plan in a  
24 minute.

25 MR. LAUER: Do you understand?

1 THE WITNESS: So while I'm out of my  
2 car still in the Burger King parking lot?

3 BY MR. CADE:

4 Q Right. So it's basically I want to know the  
5 time frame. It's Swendrowski, it's Weber, it's  
6 Price, it's you because you don't recall  
7 whether Ortiz had stopped or not.

8 The four of you, how long were  
9 you participating in the conversations of hey,  
10 there's a guy at Roma's, he's got cocaine,  
11 we'll pretty much do the same thing we did at  
12 McDonald's?

13 A It was a fair amount of time, 10 or so, because  
14 at that point we didn't know Knox was coming  
15 back.

16 MR. LAUER: 10 minutes?

17 THE WITNESS: Correct. Things had  
18 kind of slowed down at that point I just  
19 remember.

20 BY MR. CADE:

21 Q Before Knox indicated he was coming back on  
22 duty, were there discussions about not going  
23 forward with the bust at Roma's?

24 A There was a manpower concern, yes.

25 Q What was discussed?

1 A The fact that we have two squad cars that have  
2 individuals that we had just arrested, we're  
3 going to need to do something with them before  
4 we start something else.

5 Q Subsequently you learned that -- or you know  
6 that Knox is not in department uniform, he's in  
7 a polo shirt and jeans, et cetera; fair?

8 A I do eventually discover he's not wearing his  
9 uniform, yes.

10 Q Do you know why it was not suggested that Knox  
11 convey one of the suspects back to the village  
12 police department in his Town of East Troy  
13 vehicle as opposed to participate in the plan?

14 A I don't.

15 Q So you go back, get in your car. I'm assuming  
16 the people all leave the Burger King. Prior to  
17 leaving the Burger King, did you have any radio  
18 communications with anybody about any  
19 additional information as to the plan?

20 A Prior to leaving the Burger King?

21 Q Correct.

22 A I don't believe so.

23 Q So as you go back to your car, you just know,  
24 hey, they're going to go do a bust, a takedown;  
25 I'm going to be nearby to give them eyes on.

1           You don't know make or model or how many  
2           potential suspects or anything, fair?

3                       MR. LAUER: Object to the form of the  
4           question.

5                       You may answer. Go ahead.

6                       THE WITNESS: Before leaving the  
7           Burger King?

8   BY MR. CADE:

9   Q     Correct.

10   A     That's correct.

11   Q     So as they leave the Burger King, walk me  
12           through that point. What happened next?

13   A     I sat in my car. They were still standing  
14           outside of their cars. They eventually got  
15           into their squad cars. I saw them leave the  
16           Burger King and turn north on ES, so I got in  
17           behind them north on ES.

18                       Officer Price turned right at  
19           Highway 20. I believe there was some radio  
20           communication about a car. And then he did  
21           turn around and join back up with us. I pulled  
22           into the firehouse, and the marked vehicles  
23           continued on into Roma's.

24                       I parked my car at the firehouse  
25           and started walking north.



1 Q As you were walking north, was there snow on  
2 the ground?

3 A I don't think so.

4 Q When you say they left the Burger King, can you  
5 give me who left the Burger King to head  
6 towards Roma's?

7 A I believe Price was first and then Knox, maybe  
8 next Ortiz and then me. I can't recall the  
9 exact order.

10 Q And just to clarify, I know you had said, hey,  
11 we've got this manpower issue. Was there any  
12 communication while you were at the Burger King  
13 and you were part of the group meeting to  
14 contact either the Town of East Troy for  
15 additional manpower or to contact Walworth  
16 County to assist?

17 A For additional units?

18 Q Correct.

19 A We had two deputies there and two -- one car.  
20 I don't know if Officer Price or deputy chief  
21 talked about that.

22 Q That's all I'm trying to figure out is we know  
23 we've got two village police cars that are  
24 there, but one has a suspect in it and the  
25 other has the informant in it, correct?

1 A Correct.

2 Q And we know we've got two Walworth County  
3 deputies. One has a suspect and one shows up  
4 approximately the time you're either walking  
5 back to your car or right contemporaneously,  
6 correct?

7 A Correct.

8 Q And you had said that before Knox came on the  
9 radio, there was a concern about manpower,  
10 correct?

11 A Correct.

12 Q Because it would only be Price and Ortiz that  
13 would have available cars, fair?

14 A Correct.

15 Q So what I'm wondering is at that point in time  
16 while there was discussions about manpower, did  
17 anyone get on the radio and call Walworth  
18 County and see if they had additional units  
19 that could be spared or contact the Town of  
20 East Troy to say do you guys have any  
21 additional bodies you can assist with?

22 A I know the Town of East Troy wouldn't have, but  
23 I do not know if Price or deputy chief made a  
24 phone call to the county.

25 Q Why do you know the town wouldn't have?

1 A Because when they went to that training, they  
2 were the only officer on duty.

3 Q Knox was the only officer on duty?

4 A I believe they left the town uncovered and  
5 county would cover down for them -- for any  
6 emergency calls. Non-emergency calls are  
7 typically stacked.

8 Q And what do you mean by "stacked"?

9 A They wait until we come back for non-emergency.

10 Q It's just like there's no police officers, and  
11 the proverbial cat in the tree kind of thing,  
12 you'll get to it when you get to it?

13 A Correct. It's not an emergency.

14 Q Subsequently, I assume you were aware also in  
15 the vehicle with Knox is Sergeant Smith?

16 A I learned that later.

17 Q Now Sergeant Schmidt has testified and it's in  
18 his DCI report that he was off duty that day.  
19 So he was never on duty and never reported on,  
20 et cetera. You're saying that the town only  
21 had one officer on duty that day in terms of  
22 Knox?

23 A That's typical, yes.

24 Q What do you mean "that's typical"? I thought  
25 usually they have two or three depending on the

1 rotations.

2 MR. LAUER: The town you're talking  
3 about?

4 MR. CADE: The town, correct.

5 MR. LAUER: Go ahead. If you know.

6 THE WITNESS: Like, for instance --  
7 well, day shift is different. But for the  
8 village, I'm typically by myself on first  
9 shift. There's the chief, but I take the road.  
10 Second shift is by themselves, and for the most  
11 part third shift is by themselves. Every now  
12 and then there's some overlap. Same with the  
13 township.

14 BY MR. CADE:

15 Q I thought on first shift you're dealing with  
16 the schools pretty much every day?

17 A No, two days a week.

18 Q Two days a week you're dealing with the schools  
19 and the other days --

20 A I'm on the road.

21 Q -- you're on the road, and you're probably  
22 doing the same five on, two off, four on, two  
23 off shift?

24 A Correct.

25 Q So you drive over to Roma's. You -- once Price

1 makes that turn on 20, he at some point loops  
2 back around you, correct?

3 A I believe so.

4 Q And what was the radio chatter about Price, and  
5 what he was doing?

6 A I think at that point he had learned what the  
7 vehicle was or what the vehicle was parked next  
8 to.

9 Q Does the Grand Marquis mean anything to you?

10 A That does pop into my brain.

11 Q Was there any chatter in terms of someone  
12 saying to Price what the hell are you doing,  
13 where are you going?

14 MR. LAUER: On the radio you're  
15 talking about?

16 MR. CADE: On the radio, correct,  
17 when he makes that turn.

18 THE WITNESS: I don't know if it's on  
19 the radio, but I did ask myself that.

20 BY MR. CADE:

21 Q But you didn't follow Price when he made the  
22 turn. You continued following Knox and Ortiz?

23 A I was going to the firehouse, yes. I was  
24 continuing onto the firehouse.

25 Q No matter what, you were going to head to the

1 firehouse?

2 A Correct.

3 MR. LAUER: Object to the form of the  
4 question.

5 Go ahead.

6 MR. CADE: What was wrong with the  
7 question?

8 MR. LAUER: "No matter what" is vague  
9 and overly broad, Counsel. So I'll object to  
10 the form.

11 MR. CADE: I'll rephrase.

12 BY MR. CADE:

13 Q In your head prior to leaving Burger King, you  
14 had made the decision you were going to go to  
15 the firehouse no matter what the other officers  
16 did? You were going to be at I'm assuming a  
17 safe distance at the firehouse because you did  
18 not have on uniform and body armor and that  
19 type of stuff, fair?

20 A Correct.

21 Q So as you pull into the firehouse, what did you  
22 observe?

23 A The marked squads continued into the Roma's  
24 parking lot.

25 Q Okay. Take a moment and look at Exhibit 38

1 which is an aerial photograph. You'll see on  
2 38 to essentially the south or southwest there  
3 appears to be a concrete driveway, and there's  
4 several cars that are there. I see a couple  
5 red trucks, et cetera. Is that the firehouse?

6 A That is.

7 Q On that aerial photograph when you parked your  
8 vehicle, is it visible, or did you park  
9 somewhere else?

10 A I would say in the vicinity of this red and  
11 white car.

12 Q Okay. Well, I'm -- I've got three Sharpies.  
13 You can pick whichever color you'd like. If  
14 you would just put an X with one of the  
15 Sharpies with where you parked your vehicle.

16 A (Witness complies.)

17 Q Draw a circle around it, please, sir.

18 A (Witness complies.)

19 Q And then just do a little line off to the side  
20 and just write Hackett.

21 A (Witness complies.)

22 Q So in a blue Sharpie you've put an X where the  
23 fire station is, and you've indicated where you  
24 approximately would have parked your vehicle,  
25 fair?

1 A That's correct.

2 Q And from there we can also see on this aerial  
3 photograph, not great because of probably --  
4 you'd agree with me the photograph depicts  
5 grass and everything. It's very brown. It's  
6 not green and lush, true?

7 A Correct.

8 Q So more likely winter, maybe early spring or  
9 very late fall, but definitely the trees don't  
10 look like they have leaves on them from this  
11 aerial photograph.

12 A Correct.

13 Q From where you placed the X on Exhibit 38,  
14 there are trees. Did the trees block your view  
15 of Roma's?

16 MR. LAUER: The question's vague. As  
17 to Roma's what, the building, the parking lot?

18 MR. CADE: Starting with the  
19 building, the parking lot.

20 BY MR. CADE:

21 Q Was your viewpoint of looking to the next  
22 property over, was it blocked by trees?  
23 Obviously we're not on the ground. We're  
24 looking at this from an aerial photograph, so I  
25 don't know if those trees extend all the way



1 down so that if they're bunched up, no matter  
2 what, you can't see what's going on. Some  
3 people have trees to kind of use as privacy or  
4 if these are taller trees that you can see  
5 right through the trunks into or at Roma's.  
6 A If you get out of my car, you can see the  
7 building.  
8 Q Okay. If you would, Officer, draw an N for  
9 north, the typical north directional.  
10 A (Witness complies.)  
11 Q And in red you've drawn an arrow showing what  
12 is directionally north?  
13 A Um-hum, correct.  
14 Q So from your vantage point as soon as you  
15 pulled up into the parking lot, did you  
16 immediately get out of your car and begin  
17 walking, or did you wait in your car for a  
18 moment?  
19 A I think the second I put it in park, turned it  
20 off, I got out of my car.  
21 Q And started walking towards Roma's?  
22 A I did.  
23 Q At any point in time -- we know there's a  
24 shooting, correct?  
25 A Correct.

1 Q And did you hear the shots fired?

2 A I did.

3 Q Prior to hearing shots fired, and I'll work  
4 backwards, did you see any emergency lights  
5 activated?

6 A I don't recall seeing any squad cars.

7 Q with their lights -- emergency lights  
8 activated, correct?

9 MR. LAUER: The question is vague.

10 MR. CADE: I'll rephrase.

11 MR. LAUER: If you're pinpointing  
12 when he is walking after his vehicle, say that.

13 MR. CADE: Rob, I'll rephrase.

14 MR. LAUER: Incidentally, what time  
15 is your conference?

16 MR. CADE: I've got about two  
17 minutes, and then I'll go off line.

18 MR. LAUER: Okay.

19 BY MR. CADE:

20 Q So you get out of your car immediately, and you  
21 begin walking to Roma's?

22 A Correct.

23 Q So between getting out of your car and walking  
24 to Roma's and hearing shots fired, at any point  
25 did you observe anywhere either vehicles

1 actually with their lights activated or maybe  
2 the flashing glow of an emergency light?

3 That's all I'm trying to pinpoint is in that  
4 time frame, did you observe any lights?

5 A I couldn't see any squad cars.

6 Q Okay. You'd agree with me this time, 5:20,  
7 5:30 roughly on the 24th of February?

8 A Correct.

9 Q And it's starting to get dark, it's starting to  
10 be dusk, end of the day February, that type of  
11 thing, correct?

12 MR. LAUER: Object to the form.

13 Go ahead.

14 THE WITNESS: It started -- it was  
15 towards the end of the day. You bet, but the  
16 sunlight was still there.

17 BY MR. CADE:

18 Q Sure. And all I'm trying to get at is even if  
19 you can't see a car physically, sometimes you  
20 can see, you know, maybe what appears to be  
21 strobing, flashing, you know, shadows being  
22 dispersed because of light.

23 Did you have anything to suggest  
24 that emergency lights had been activated prior  
25 to you hearing the shots fired?

1 A I don't recall seeing any reflections or  
2 indications of emergency lights.

3 Q If you would with that same blue pen, because  
4 we'll stick with that, if you would draw  
5 basically the path that you took towards  
6 Roma's.

7 A (Witness complies.)

8 Q And then can you put -- let's do this. You  
9 walked towards Roma's until you heard shots  
10 fired, right?

11 A Correct.

12 Q And then when you heard shots fired or you  
13 heard the physical shots, what did you do?

14 A Stopped. I attempted to say shots fired over  
15 the radio, but I don't think it transmitted. I  
16 heard the squealing of tires leaving, and I saw  
17 a vehicle leaving Roma's going south on ES past  
18 my location.

19 Q If you would, would you find the spot  
20 approximately where you were at where you heard  
21 the shots being fired? And then I'd like you  
22 to put a one and then a circle through it.

23 Does that make sense?

24 A A one?

25 Q Right, so wherever you were when you heard the

1 shots fired.

2 A Okay.

3 Q And then a circle around it.

4 A (witness complies.)

5 MR. LAUER: We didn't say this, but  
6 we understand this is not drawn to scale.

7 MR. CADE: Correct.

8 MR. LAUER: Thank you.

9 BY MR. CADE:

10 Q All I'm trying to do is because I know -- I've  
11 got your DCI report. I know there's subsequent  
12 movement, things like that, Officer, so, you  
13 know, there's going to be a one, there will be  
14 a two, things like that, but I just want  
15 roughly where you were when you heard the  
16 shots -- the initial shooting of the shots.

17 A Right there.

18 Q And you've drawn a one.

19 A It's kind of hard with the Sharpie.

20 Q Yeah. That Sharpie is not very sharp, but  
21 you've drawn a one where that position is,  
22 correct?

23 A Correct.

24 Q I'm going to hand you a different Sharpie.  
25 Maybe this one has a better tip for you to use.

1 MR. CADE: why don't we go off the  
2 record for a few minutes. I'm going to go next  
3 door and jump on my call.

4 MR. LAUER: So we can take a break?

5 MR. CADE: We can take a break, 10,  
6 12 minutes.

7 (Recess taken from 9:57 a.m. to 10:12  
8 a.m.)

9 BY MR. CADE:

10 Q Okay, Officer Hackett, back on the record. I  
11 had you draw on Exhibit 38 a one when you heard  
12 the shots fired. And I just want to kind of  
13 walk you through hearing the shots fired.

14 So I would imagine, and if I'm  
15 wrong, correct me, that as soon as you hear  
16 shots fired, your training is to immediately  
17 stop because you need to assess where they're  
18 coming from, et cetera, fair?

19 A I'd say that's part of the process.

20 Q Because if they're coming from behind you, you  
21 want to know if there's someone from behind you  
22 or the side or whatever. The first thing is  
23 where are the shots coming from, assess the  
24 situation and then figure out what to do next?

25 A That sounds reasonable.

1 Q So when you heard these shots fired, were you  
2 able to tell the direction they were coming  
3 from?

4 A I knew they were to my front and left.

5 Q So essentially to the north whatever  
6 directional?

7 A (Nods.)

8 Q When you say the "front," coming towards the  
9 Roma's area?

10 A Right, so probably the north, northwest.

11 Q So you said you heard shots fired and then  
12 squealing tires as the vehicle left Roma's  
13 making a left on ES and out?

14 A Those are the sounds I remember.

15 Q Prior to hearing the shots fired, did you hear  
16 any squealing or loud noises?

17 A I don't recall.

18 Q What happened next after you saw -- you heard  
19 shots fired and you see a vehicle escape? I  
20 presume you saw one or two police vehicles give  
21 chase.

22 A I believe I just saw one vehicle.

23 Q And from the position you're at on that one,  
24 were you able to see -- at that point in time  
25 shots fired, were you able to see any vehicles,

1 not leaving Roma's but physically looking at  
2 Roma's towards the building or the parking lot,  
3 could you see any of the vehicles there?

4 A I mean I think the cooks were parked here, and  
5 I'm sure there was a couple of cars over here.

6 Q No, I'm sorry. I didn't mean like regular  
7 vehicles. I mean police vehicles.

8 A No.

9 Q So you could see other vehicles because the  
10 parking lot basically is in essence 360 around  
11 that building, correct?

12 A Correct.

13 Q So you saw other vehicles, but you did not see  
14 any police vehicles --

15 A Correct.

16 Q -- until they left, whether it was one or two  
17 left the Roma's parking lot?

18 A Correct.

19 Q When you drove into the fire department  
20 initially -- you parked where you put that X --  
21 did you see where either Knox or Ortiz or  
22 Price, did you see where they entered Roma's?

23 A It was the most northern entrance.

24 Q Who did you see enter the most northern  
25 entrance?



1 A I think all the squad cars did.

2 Q That's your recollection, all squad cars  
3 entered that way?

4 A I believe so.

5 Q And as they entered, did you lose sight of them  
6 because of where you were parked based on that  
7 X on Exhibit 38?

8 A Correct. So you can see there's another  
9 driveway here for the firehouse.

10 Q Okay. So the firehouse is two driveways?

11 A Correct. So I entered this one, came around  
12 the building on the back side of the firehouse,  
13 came up and parked here.

14 Q So for the record, you demonstrated -- looking  
15 at Exhibit 38 there's some white space that's  
16 at the bottom of the photograph in the area  
17 that the Exhibit 38 sticker is. You're  
18 indicating that in the area you've parked your  
19 vehicle and you've indicated by X that the fire  
20 station has two driveways, and it essentially  
21 has -- very similar to Roma's, you have the  
22 ability to enter one entrance and drive around  
23 the building towards the other entrance?

24 A That's correct.

25 Q So you entered the fire station in the southern

1 entrance, drove around the fire station, and  
2 then parked near the northern entrance where  
3 it's marked with the X?

4 A Correct.

5 Q Got out of your vehicle. And then as soon as  
6 you got out where position one is indicated,  
7 you hear shots fired?

8 A Correct.

9 Q After you hear the shots fired, what did you  
10 do?

11 A I recall attempting to put that out over the  
12 radio. I saw a vehicle leaving Roma's at a  
13 high rate of speed. In my brain -- eventually  
14 I made my way back to my car and then back to  
15 Roma's.

16 Q When you say back to your car, back to your car  
17 to move it towards Roma's or back to your car  
18 just to do something else?

19 A I went back to my car and then realized it  
20 wasn't a squad car. It just -- tunnel vision  
21 kind of kicked in, and I then went back to -- I  
22 left my car there and then on foot went into  
23 Roma's.

24 Q So your initial thought -- your tunnel vision  
25 was, get in my car and help with the pursuit?

1 A Correct.

2 Q And then as you're going back, you're like,

3 oh --

4 A It's my Cadillac.

5 Q -- it's my Cadillac, and that really shouldn't

6 be on the road driving at a high rate of speed

7 without police lights, fair?

8 A That would be a fair estimate, yes.

9 Q So then what did you do after you came to that

10 realization? Did you leave your car at the

11 fire station, or did you move it?

12 A I left it there.

13 Q And then you walked back to Roma's?

14 A I ran back to Roma's.

15 Q And when you ran back, what did you do at that

16 point?

17 A Made contact with the only squad car I could

18 see, and that was the Town of East Troy.

19 Q And that was Knox?

20 A Correct.

21 Q And when you made contact, did you realize that

22 Schmidt at that point was in the vehicle?

23 A I did.

24 Q And what did you guys discuss, you and Knox

25 and/or Schmidt?

1 A Questions were asked about what happened.

2 Q Okay. And what were you told?

3 A I don't remember getting an answer right away.

4 Because an employee had come out, I remember

5 right away screaming that someone had ran that

6 way towards the interstate.

7 Q An individual had run towards the interstate?

8 A Correct.

9 Q And who came out and told you an individual

10 ran, was it a male or a female?

11 A Female.

12 Q She said, hey, I just saw someone run towards

13 the interstate?

14 A Someone just ran that way, yes, and pointed

15 towards the interstate.

16 Q And then did you follow to figure out who that

17 person was?

18 A I did.

19 Q And did you find that individual?

20 A I did.

21 Q And was that the informant?

22 A It was.

23 Q Had you seen the informant at any time when you

24 were back at the village police station --

25 initially you're coming off of duty, finishing

1 up at the schools. You find out from Price,  
2 hey, move the guy's car, here's the plan, we're  
3 going to do McDonald's and the shell.

4 Had you seen the informant at  
5 any point in time prior to Burger King and  
6 heading to Roma's?

7 A I think from poking my head in the back of the  
8 booking room while Price was back there.

9 Q So you knew who that individual was or at least  
10 had seen him?

11 A I visually recognized him.

12 Q And were you aware that the informant was in  
13 the back seat of Price's car as you were  
14 driving over towards Roma's?

15 A I was.

16 Q Is there any policy that the village has with  
17 regards to informants being in the back of  
18 vehicles during an operation?

19 A I don't believe so.

20 Q Have you ever had experience with an informant  
21 having them in the back seat of your squad car  
22 during an operation?

23 A No.

24 Q Have you ever had an opportunity to work with  
25 informants?

1 MR. LAUER: Before this?

2 MR. CADE: Before this.

3 THE WITNESS: Not as the liaison or  
4 direct contact, no.

5 BY MR. CADE:

6 Q Just on the periphery of whatever is going on?

7 A Correct.

8 Q Did you have any concerns about the informant  
9 being in the back seat of the squad car heading  
10 over towards Roma's to do a takedown?

11 MR. LAUER: Object to the form of the  
12 question.

13 Subject to that, you may answer.

14 THE WITNESS: I don't recall having  
15 any misgivings.

16 BY MR. CADE:

17 Q One of the things you had stated that you were  
18 going to kind of stay back was the fact that  
19 you didn't have body armor on, so you didn't  
20 want to be physically driving into Roma's  
21 because you don't know what's going to happen,  
22 correct?

23 A Correct.

24 Q And so even though you had concerns about your  
25 personal safety and not having body armor, you

1 did not have any concerns -- concerns with  
2 regards to the confidential informant heading  
3 over there without any type of body armor or  
4 something -- some sort of protective gear?

5 A That thought did not enter my mind.

6 Q Did you have any conversations with Knox or  
7 Schmidt as to once you got the informant and  
8 find out who that individual was, did you speak  
9 to them with regards to what had occurred?

10 A Yes. I asked them what happened.

11 Q And what were you told?

12 A I don't exactly remember a lot of details  
13 coming out. I remember then focusing on kind  
14 of securing the scene because I knew that a  
15 shooting had taken place. Everyone there was  
16 safe. Now we have to secure the scene.

17 Q And at some point you made the decision to  
18 start spray painting where shell casings were,  
19 correct?

20 A Both me and Knox identified that as something  
21 we should probably do immediately.

22 Q Did you have the spray paint in your car, or  
23 did Knox have the spray paint?

24 A I didn't have a car, so everything came out of  
25 Officer Knox's car.

1 Q So a decision is made we should secure  
2 evidence, and you made the decision to spray  
3 paint where the shell casings were, correct?

4 A Either I or Knox did.

5 Q And at some point you guys placed cones in  
6 those locations as well?

7 A Correct.

8 Q And neither -- did Schmidt say anything to you  
9 when you asked what happened?

10 A No.

11 Q Did either one of them tell you that the  
12 suspect vehicle had attempted to run down  
13 Ortiz?

14 A I don't recall.

15 Q You just knew you heard the shooting. You  
16 heard squealing. You eventually went over  
17 there, secured evidence, found the confidential  
18 informant and then just waited for backup I  
19 guess?

20 A Essentially.

21 (Exhibit 39 was marked for  
22 identification.)

23 BY MR. CADE:

24 Q I'm going to show you what's been marked as  
25 Exhibit 39. And 39 is a copy of your interview



1 with DCI, Department of Criminal Investigation.  
2 Have you seen this document  
3 before, sir?

4 A I have.

5 Q If you look at the bottom -- again, I told you  
6 about the Bates numbers. You'll see that it's  
7 marked T001570 all the way through 1579. And  
8 what I'll do is I'll just call out specific  
9 pages.

10 On page 1573 in the second  
11 paragraph, you'll see, Officer, that at the  
12 very last sentence it says "Lastly, SA" -- or  
13 special agent -- "Joy clarified that the  
14 criminal investigation being conducted by the  
15 Wisconsin Department of Justice-Division of  
16 Criminal Investigation was separate from any  
17 internal investigation that may be conducted by  
18 Hackett's department."

19 Do you know if your department  
20 conducted any internal investigation of that  
21 shooting?

22 A I am not aware of that.

23 Q Were you ever -- other than this interview by  
24 Special Agent Joy and special agent Prieve,  
25 P-R-I-E-V-E, were you ever interviewed as to

1 what had transpired on February 24th?

2 MR. LAUER: Object to the form of the  
3 question. It's vague.

4 MR. CADE: I'll rephrase.

5 BY MR. CADE:

6 Q Other than meeting with your attorney from  
7 February 24th through today's deposition other  
8 than meeting with Mr. Lauer or someone from his  
9 office, legal counsel, did you ever have --  
10 were you ever interviewed or asked, Officer  
11 Hackett, Aaron, what happened on February 24th?

12 A Other than this DCI interview and then their  
13 secondary follow-up, no.

14 Q And I'll get to the secondary because it's all  
15 part of this Exhibit 39.

16 If you would turn to the next  
17 page, sir. So it looks like you're driving a  
18 '92 Cadillac. Is that like a classic Cadillac?

19 A I bought it from a buddy in the American  
20 Legion, yes.

21 Q I don't know. Do you have one of those special  
22 light blue plates that it's --

23 A I did not get one of those, no.

24 Q Does the department, the village, have any  
25 rules with regards to officers participating in

1 any sort of police operations being in plain  
2 clothes or civilian clothes versus being in  
3 uniform?

4 A I don't recall anything specific requiring  
5 certain things.

6 Q I'm assuming Exhibit 39 you've read since  
7 giving the report and doing the follow-up,  
8 meaning you've read that since February of  
9 2016, correct?

10 A I have read this, yes.

11 Q I want you to turn to page 1576. Looking at  
12 the top paragraph where it says "Hackett  
13 stated, a Town of East Troy Police Department  
14 officer," do you see that at the very top of  
15 that page, sir?

16 A Correct.

17 Q Further in that sentence after the word Burger  
18 King it says "Hackett stated that he had asked  
19 Price if he could go home. Price indicated  
20 that Hackett's further assistance would be  
21 needed."

22 what did Price specifically tell  
23 you that your further assistance would be  
24 needed?

25 A I will try to explain this as best I can.

1 Q Sure.

2 A I have known Officer Price for a long time. I  
3 would consider him someone that I can read his  
4 body language, and he can read mine.

5 when Knox had called over the  
6 radio, I recall saying to Price, "You guys got  
7 enough bodies now, I'm going to go home." I  
8 don't know how to convey this to a court  
9 reporter, but his face was one that a friend  
10 gives another friend and that's, you got to go,  
11 that kind of thing. Do you know what I mean?

12 Q Sort of like my wife will tell me she has an  
13 issue; friend up?

14 A Yeah. There's a sarcastic notion to it. Now  
15 if I had gone to my Cadillac and hopped in and  
16 drove home, that would have been no issue on  
17 Price's side.

18 Q But he gave you a look of like, really, you're  
19 going to go home?

20 A I would say that that's an accurate  
21 representation.

22 Q And in giving you that look, really, are you  
23 going to go home, did you get the sense that  
24 Price thought this was going to be a big  
25 operation over at Roma's, or was it a sense of

1           you're going to miss out on the fun  
2           sarcastically by visual intonation?

3    A     I don't know about fun.

4                       MR. LAUER:  I'll object to the form  
5           of the question.  It's compound and vague and  
6           overly broad.

7                       Go ahead if you can answer.

8                       THE WITNESS:  I knew I wasn't needed.  
9           I wouldn't describe it as "fun."  I don't know  
10          how to describe it to you.

11  BY MR. CADE:

12  Q     Just he gave you a look of like, really, you're  
13          going to go home?

14  A     Yeah, in a poke-the-bear way.

15  Q     So because of that, you decided to stick  
16          around?

17  A     In an extremely secondary means, yes.

18  Q     Turning down to the third paragraph really  
19          where it starts "Hackett said Deputy Ortiz," do  
20          you see that?

21  A     Yes.

22  Q     In the middle of that paragraph you have  
23          "Hackett stated after a very short brief by  
24          Price, the squads left the Burger King with  
25          Price leading followed by Knox, Ortiz and

1 Hackett. Hackett stated that Knox received at  
2 most a two-minute brief by Price."

3 Did I read that correct?

4 A You did.

5 Q Then later on it says "Hackett reiterated Knox  
6 had received at most a two-minute brief from  
7 Price about what they were going to do at  
8 Roma's."

9 why did you have a need to  
10 reiterate what -- the time frame that Knox had  
11 received for a briefing?

12 A I don't know. Perhaps I was asked twice. I  
13 don't recall.

14 Q But you certainly saw Knox arrive. You saw  
15 Knox participate -- arrive at the Burger King.  
16 You saw Knox participate in a discussion, and  
17 your recollection immediately after the  
18 shooting was at most it was two minutes for  
19 Knox to have this briefing or description of  
20 the plan with Price, fair?

21 A From a distance of my car, yes, fair.

22 Q Nothing had come over the radio as to what was  
23 going to be done, correct?

24 A I don't recall.

25 Q If it was over the radio, you would have heard

1 because you had a radio, correct?

2 MR. LAUER: I'll object. Asked and  
3 answered. I mean he talked about some other  
4 radio contact, but you're just talking about at  
5 this time?

6 MR. CADE: I'm talking about the plan  
7 being implemented.

8 BY MR. CADE:

9 Q When Knox shows up -- I just want to make sure  
10 there wasn't a discussion between Knox and  
11 Price or Knox and someone else where as Knox is  
12 driving to the scene, they're discussing what's  
13 going to take place.

14 A No. Everything was verbal for them over there.

15 Q Okay. Turn to the last paragraph. You  
16 indicate there you recall seeing -- second  
17 sentence -- "Remembered seeing Knox and Price  
18 pull in but wasn't sure where Ortiz was in the  
19 caravan and whether he was first or last."

20 You do know Ortiz was in front  
21 of you as you drove to Roma's, correct?

22 A Correct.

23 Q And you know Price was behind you because he  
24 looped back around, correct?

25 A Correct.

1 Q But you don't remember Ortiz, how he went to  
2 the parking lot at Roma's?

3 MR. LAUER: Object to the form. You  
4 mean the order?

5 MR. CADE: Correct.

6 THE WITNESS: I guess I don't  
7 remember.

8 BY MR. CADE:

9 Q That's fine. Turn to the last page -- I'm  
10 sorry, the second-to-last page, 1578. On 1578,  
11 middle paragraph where it says "Hackett stated  
12 that at some point on scene," do you see that?

13 A I do.

14 Q The last sentence "Hackett clarified he hadn't  
15 heard anything other than the shots. He  
16 confirmed that he hadn't heard any commands,  
17 just pop, pop, pop." Do you see that?

18 A I do.

19 Q Do you recall hearing three shots or four  
20 shots?

21 A It was three or four.

22 Q Let me ask you this --

23 A I mean --

24 Q Go ahead. I'm sorry. I didn't mean to  
25 interrupt.



1 A That's okay. Approximately four shots.

2 Q And so just so I'm clear, as you were walking,  
3 can you give an approximation -- at the point  
4 you were at point number one when you first  
5 heard the shots, can you give an approximation  
6 as to how far away you are, the distance  
7 between your point one and, say, the northern  
8 entrance to Roma's? Can you give me a distance  
9 approximation, if you can?

10 A 150 feet.

11 Q Because at some point, you did run then? You  
12 went back to your car, and at some point you  
13 sprinted over there, correct?

14 A Correct.

15 Q And at the point you heard the shooting, pop,  
16 pop, pop, I'm assuming you've -- whether at a  
17 range or -- I should back up. I shouldn't make  
18 assumptions.

19 In the line of duty, have you  
20 ever had to fire your weapon, not on a training  
21 range but at a suspect or responding to  
22 something?

23 A Not as a police officer, no.

24 Q You fired your weapon other times?

25 A I did two tours in Iraq as an infantryman.

1 Q Sure, okay. Not a handgun. That would be a  
2 rifle, correct?

3 A Correct.

4 Q Thank you for your service, by the way.

5 A No issue.

6 Q I'm sorry?

7 A No issue.

8 Q So when you heard the firing, did there -- did  
9 it sound like you to that it was in rapid  
10 succession, pop, pop, pop, pop, pop, or did it  
11 sound like there were a couple shots, a pause,  
12 and a couple of shots?

13 Do you understand the  
14 distinction in my question?

15 A I do.

16 Q Okay.

17 A They sounded as if they were in close  
18 succession.

19 Q No pause?

20 A I don't recall.

21 Q And I know you didn't have a stopwatch or  
22 anything to know that it was coming.

23 At the time that you heard the  
24 shooting, you had not heard -- we've already  
25 iterated you didn't hear any sirens prior to

1 the shooting, correct?

2 A Correct.

3 Q You had no recollection or you didn't see any  
4 emergency-activated lights, correct?

5 A Correct.

6 Q You didn't hear any other sounds, squealing  
7 tires, honking of horns, anything like that  
8 prior to the shooting?

9 A Correct.

10 Q After the shooting, you're figuring out what's  
11 going on, and then you see a car squealing  
12 tires make a left out of the parking lot  
13 heading south on ES?

14 A Correct.

15 MR. CADE: Those are my questions.

16 MR. SPARKS: Nothing from me.

17 MS. THOMPSON: Nothing. Thank you.

18 MR. LAUER: Okay. That's it.

19 (Proceedings concluded at 10:38 a.m.)

20

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My commission expires April 17, 2020

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